



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

Ref: 8-ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Reed Gardner, Registered Agent
Westview Village Property Owners Association
8341 South Highway 89
Afton, WY 83110

Mr Raymond Prescott, President
Westview Village Property Owners Association
PO Box 1171
Afton, WY 83110

Re: Violation of Emergency Administrative
Order
Docket No. SDWA-8-2002-30
PWS ID# WY5600864

Dear Mr. Gardner and Mr. Prescott :

On September 12, 2002, the U.S. Environmental Protection Agency (EPA) issued an Emergency Administrative Order (the Emergency Order), Docket No. SDWA-8-2002-30, ordering the Westview Village Property Owners Association's compliance with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 CFR Part 141.

Our records indicate that the Westview Village Property Owners Association is in violation of the Emergency Order. Among other things, the Emergency Order required the Westview Village Property Owners Association to:

1. Within 24 hours of receipt of the Order, Respondent was to notify EPA in writing of its intent to comply with the terms of the Order.

According to our records, EPA has not received a written notice of intent to comply with the terms of the Emergency Order from Respondent.



2. Within 10 days of the effective date of the Order, Respondent was to install and continuously operate chlorination equipment and maintain a minimum chlorine residual of 0.2 mg/l throughout the distribution system, until notified by EPA that continuous chlorination is not needed.

According to our records, Respondent has not installed disinfection equipment nor maintained a chlorine residual of 0.2 mg/l

3. Within 10 days of the effective date of the Order, Respondent was to submit to EPA a complete evaluation of its public water system (storage and distribution system) to determine changes necessary to bring Respondent's system into compliance with the bacteriological MCL appearing at 40 C.F.R. § 141.63. The evaluation was to include all of the following items:
 - a. any line breaks in the distribution system;
 - b. storm water runoff/drainage near or at the storage tank which may be entering the tank;
 - c. inspection of the hatch to the storage tank to ensure that the hatch is properly sealed;
 - d. proposed system modifications;
 - e. estimated costs of modifications; and
 - f. schedule for implementing the modifications including specific milestone dates and a final compliance date (within 30 days of this Order).

According to our records, EPA has not received the public water system evaluation as specified above.

4. Respondent was required to submit monthly reports to EPA on progress on all corrective measures identified in paragraph 2 above. Each report was to include a description of any activity conducted on the public water supply including a specific listing and status of each item identified in paragraphs V.D.1. of the Order. Reports were to be postmarked no later than the 15th of each month, with the first report postmarked no later than October 15, 2002.

According to our records EPA has not received monthly progress reports for November and December 2002, January 2003 and February 2003

5. After Respondent installs continuous disinfection equipment, Respondent shall maintain a chlorine residual of at least 0.2 mg/L throughout the distribution system and shall monitor and record the chlorine residual in the distribution system daily. At least one monitoring point shall be the tap farthest from the well and storage tank. Respondent was to notify EPA within two hours if the chlorine residual is less than 0.2 mg/L at any point in the system, including the farthest tap from the well. Respondent was required to send results to the EPA representative

identified in paragraph V.G.5. of the Order each month on the 15th day of the month, starting with October 15, 2002.

According to our records, EPA has not received the October, November and December 2002, January 2003 and February 2003 chlorine residual monitoring reports.

The Westview Village Property Owners Association must take immediate action to comply with the NPDWRs, 40 CFR Part 141, and the Emergency Administrative Order, Docket No. SDWA-8-2001-30. Specifically, Westview Village Property Owners Association must take the following actions immediately to avoid additional enforcement action: monitor disinfectant concentration levels in the distribution system and fax or mail any disinfectant residual monitoring results you may have by March 15, 2003; show evidence that continuous chlorination was installed with a photograph and invoice; and, submit to EPA the information required in paragraph 2 of this letter to EPA no later than March 15, 2003.

Violating an Emergency Administrative Order may lead to (1) a penalty of up to \$15,000 per day per violation of the Emergency Order, and/or (2) a court injunction ordering the Westview Village Property Owners Association to comply.

You are requested to reply to this correspondence within two weeks of its receipt, but in no case later than March 15, 2003. Continuing non-compliance will likely result in additional enforcement action including referral of this matter to the United States Department of Justice.

If you have any questions or wish to have an informal conference with EPA, you may contact Dennis Jaramillo at (800) 227-8917 x6203. If you are represented by an attorney or have legal questions please call Michelle Marcu at the above 800 number extension 6921.

We urge your prompt attention to this matter.

Sincerely,

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: Larry Robinson, WY DEQ
Dr. Karl Musgrave, WY DOH

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE
ON FEBRUARY 25, 2003.**

